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Supreme Court, U.S.
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In the Supreme Court of the United States

OCTOBER TERM, 1966

No. ~~1401~~ 229

In the Matter of
JEFFREY FISCHER,
a minor.

APPEAL FROM THE COURT OF APPEALS,
EIGHTH JUDICIAL DISTRICT OF OHIO.

STATEMENT AS TO JURISDICTION.

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Pursuant to Rules 13 (2) and 15 of this Court, appellant files this statement of the basis upon which the Supreme Court of the United States has jurisdiction on appeal to review the final judgment below finding appellant to be a delinquent child and sentencing him to indefinite commitment to the Ohio Youth Commission, and the reasons why this Court should exercise such jurisdiction in this case.

OPINIONS BELOW.

The Juvenile Court for Cuyahoga County, Ohio did not deliver a written opinion as such, but did file a formal statement of "findings of fact and conclusions of law" which is reproduced in the appendix to this Jurisdictional Statement at page 8.

The opinion of the Court of Appeals for the Eighth Judicial District of Ohio, in the form of a "memorandum to lawyers," is reproduced in the appendix to this Jurisdictional Statement on page 12.

JURISDICTION.

This appeal is taken from a final judgment made by the Court of Appeals for the Eighth Judicial District of Ohio which affirms the judgment of the Cuyahoga County Juvenile Court sentencing appellant to indefinite commitment to the Ohio Youth Commission. The order of the Court of Appeals was made and entered May 2, 1966, and is the order from which this appeal is taken. Thereafter, the Supreme Court of Ohio exercised its discretion by dismissing an appeal to that Court and denying a motion to certify the record. A motion for rehearing was filed in the Supreme Court of Ohio, which was denied on January 11, 1967. Appendix, p. 17. Notice of appeal to the United States Supreme Court was filed in the Court of Appeals for the Eighth Judicial District of Ohio on April 10, 1967. The jurisdiction of this Court is invoked under 28 U. S. C. § 1257 (2).

QUESTIONS PRESENTED.

Whether the Juvenile Code of Ohio, Ohio Revised Code Sections 2151.01 through 2151.99 violates the V, VI, and XIV Amendments to the United States Constitution; on its face, or as construed and applied to this case, so that this appellant was deprived of his Constitutional rights at the trial of his case before a juvenile judge in which:

A pretrial confession to a police officer after a lie detector test, administered by a police officer, was admitted into evidence despite the facts that the minor, (age 17):

1. Was not represented by Counsel,

2. Was not advised of his right to have Counsel,

3. Was not advised of his right to remain silent,

4. Was not advised of his right against self-incrimination,

5. Had been under psychiatric care for more than one year prior to the confession, his illness consisting of guilt feelings for acts he did not commit,

6. Testified that his confession was not truthful and was not given voluntarily,

7. There was no other evidence against the appellant except the alleged confession.

STATUTES INVOLVED.

The Ohio Revised Code, Section 2151.01 through Section 2151.99 is reproduced in full beginning at page 17 of the appendix to this Jurisdictional Statement and are the statutes involved in this case.